



SACHI A. HAMAI
EXECUTIVE OFFICER

COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
(213) 974-1411 • FAX (213) 620-0636

MEMBERS OF THE BOARD

GLORIA MOLINA
MARK RIDLEY-THOMAS
ZEV YAROSLAVSKY
DON KNABE
MICHAEL D. ANTONOVICH

REVISED

February 18, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

6 February 18, 2014

Sachi A. Hamai
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EXECUTIVE OFFICER

**APPROVE THE RECOMMENDATION OF THE HEARING OFFICER REGARDING THE PETITION
TO RESCIND THE SALE OF TAX-DEFAULTED PARCEL ASSESSOR IDENTIFICATION
NUMBER (AIN) 3213-015-033, 10703 SIERRA HIGHWAY, AGUA DULCE 91390**

SUBJECT

The above-referenced parcel of real property was sold at the 2012A Public Auction of Tax Defaulted Property held on October 22, 2012, by the County Treasurer and Tax Collector (TTC). Subsequently, the Los Angeles County Assessor's Office petitioned your Board to request that the sale be rescinded.

Pursuant to California Revenue and Taxation (R&T) Code section 3731, a hearing was scheduled on December 4, 2013, before the appointed Hearing Officer.

IT IS RECOMMENDED THAT THE BOARD:

1. Approve the recommendation in the attached report from the Hearing Officer to rescind the sale of AIN 3213-015-033.
2. Instruct the Executive Officer to notify the Assessor and the other parties to the sale that the sale will be rescinded and the purchase price refunded to the purchaser of the parcel.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approving the recommendation of the Hearing Officer in this matter keeps the County in compliance with the relevant sections of the R&T Code.

Implementation of Strategic Plan Goals

The recommendations are consistent with the principles of County Strategic Plan Goal No. 1 (Operational Effectiveness), by providing the petitioners seeking to rescind tax sales with an Executive Officer-appointed Hearing Officer; and Goal No. 4 (Fiscal Sustainability), by avoiding unnecessary and potentially costly legal proceedings.

FISCAL IMPACT/FINANCING

Approving the recommendation of the Hearing Officer in this petition will require the County to:

- 1) Return the subject parcel to the owner of record at the time of the 2012A tax sale.
- 2) Refund the purchaser in the amount of \$4,170.45, plus interest in the amount of \$35.32, for a total of \$4,205.77.

The interest amount is a net county cost and is calculated based on the county pooled apportionment rate for the time period starting on the date of the purchase and ending on the date of the rescission recordation as specified in R&TC sections 3731(c) and 5151.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California Revenue and Taxation Code section 3725 provides for a proceeding based on alleged invalidity or irregularity of any proceedings instituted under the chapters governing sale of taxdefaulted property.

The request referenced in this letter meets the statutory guidelines and accordingly required that the Board of Supervisors conduct, or cause to be conducted through an appointed Hearing Officer, a hearing on the matter.

The hearing having been conducted, and a recommendation from the Hearing Officer received, your Board is now required to accept or reject the recommendation.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

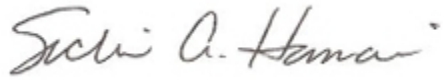
No impact.

The Honorable Board of Supervisors

2/18/2014

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Respectfully submitted,

A handwritten signature in cursive script, reading "Sachi A. Hamai".

SACHI A. HAMAI

Executive Officer, Board of Supervisors

SAH:po

Enclosures

c: Chief Executive Officer
County Counsel
Assessor
Auditor-Controller
Treasurer and Tax Collector



SACHI A. HAMAI
EXECUTIVE OFFICER

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January 10, 2014

Sachi A. Hamai, Executive Officer
County of Los Angeles, Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Dear Ms. Hamai:

Re: HEARING FOR PETITION TO RESCIND AIN 3213-015-033

The Treasurer and Tax Collector has the power to sell nonresidential commercial property that has been delinquent for three or more years and residential property that has been delinquent for five or more years.

The Assessor's Identification Number (AIN) 3213-015-033 was sold at the 2012A County Public Auction on October 23, 2012. Subsequently, on May 14, 2013, Stephanie J. Shulman filed a petition with the Board of Supervisors to request a rescission of the sale of AIN 3213-015-033, which has a street address of 10703 Sierra Highway, Agua Dulce, California.

Pursuant to Revenue and Taxation Code 3731(b), on December 4, 2013, I served as the Hearing Officer, on behalf of the Board of Supervisors, to hear arguments for and against rescission of the sale of AIN 3213-015-033. I heard testimony from Richard Bunn, attorney for the previous owner, Juan Alvarado, and David Iny, representing Landmark View, Inc., the new owner. Also present in the hearing were Joan Stewart Morris, Mr. Alvarado's interpreter; Sayuj Panicker, County Counsel representing the Treasurer and Tax Collector (TTC); LaTayvius Alberty, County Counsel representing the Board of Supervisors; and Ken Press and Kathy Gloster, TTC staff. I reviewed documents submitted previously by Landmark View, Inc. and Mr. Bunn.

Mr. Bunn contends that the sale of AIN 3213-015-033 should be rescinded because notice was not given to Mr. Alvarado prior to the sale of the parcel as required by Revenue and Taxation Code 3701. Mr. Bunn asserts that the property consisting of AIN 3213-015-032 and AIN 3213-015-033 together should have been conveyed to Mr. Alvarado on the grant deed when he completed a private transaction in 2008. Mr. Bunn stated that both parcels together match the legal description for the property that was deeded to Mr. Alvarado and he was assessed taxes based on the purchase price for both parcels; however, the Assessor's Office did not index AIN 3213-015-033 on the deed and AIN 3213-015-033 was not properly transferred to Mr. Alvarado. Mr. Bunn stated that the Assessor's Office failed to record in its records Mr. Alvarado as the owner of both parcels and, as a result, Mr. Alvarado did not receive any tax bills or subsequent notices advising him about property tax delinquency, default, and ultimate sale when AIN 3213-015-033 became tax defaulted, although he was assessed and has paid taxes on both parcels.

Ms. Sachi Hamai, Executive Officer

January 10, 2014

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Mr. Iny disagreed with Mr. Bunn's statements and indicated that the documents do not show Mr. Alvarado as the owner of AIN 3213-015-033. He contends that because AIN 3213-015-032 is solely referenced on the grant deed, the 2008 sale only applied to the single parcel. He asserted that AIN 3213-015-033 was available for sale and Landmark View, Inc. purchased the property legally.

Mr. Panicker stated that TTC agrees with Mr. Bunn that both parcels together match the legal description of the property.

Recommendation

Since the legal description includes both parcels, the deed should have conveyed both parcels as one property to Mr. Alvarado. Due to this error by the Assessor's Office, Mr. Alvarado did not receive notice of the tax default status or sale as required by Revenue and Taxation Code 3701. As a result, AIN 3213-015-033 should not have been sold at the 2012A County Public Auction on October 22, 2012, and I recommend the sale of AIN 3213-015-033 be rescinded.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sharon Ryzak". The signature is fluid and cursive, with the first name "Sharon" written in a larger, more prominent script than the last name "Ryzak".

Sharon Ryzak
Hearing Officer

Fact Sheet

- **AIN 3213-015-033**

5th District

10703 Sierra Highway, Agua Dulce 91390 (Vacant land)

Recommendation: The sale of AIN 3213-015-033 is rescinded.

The property consisting of AIN 3213-015-032 and AIN 3213-015-033 together should have been conveyed to Juan Alvarado on the grant deed when he completed a private purchase transaction in 2008.

The Assessor confirmed that both parcels together match the legal description for the property and the deed should have clearly conveyed both parcels as one property to Juan Alvarado.

The Assessor did not update the ownership change or record in its records Alvarado as the owner of both parcels, and Mr. Alvarado did not receive any tax bills or subsequent notices for the second parcel.

Without notice, Mr. Alvarado was not provided an opportunity to remedy the defaulted taxes. As a result, the property was sold at auction.

AIN 3213-015-033 should not have been sold at the October 23, 2012 Auction.

County Counsel and TTC concur with the Hearing Officer that the sale should be rescinded.